

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA - SOUTHERN DIVISION**

LETICIA ARTEAGA, individually and
as Successor-In-Interest to Al Arteaga;
JOSEPH ARTEAGA, an individual;
MICHAEL ARTEAGA, an individual;
JESSICA ARTEAGA, an individual
MICHELE DENISE ARTEAGA, a
minor, by and through her Guardian ad
Litem, MARTHA DE LA TORRE;
JACOB MASON ARTEAGA, a minor,
by and through his Guardian ad Litem,
MARTHA DE LA TORRE;

Plaintiffs,

PENTAIR WATER POOL AND SPA,
INC., and DOES 1 through 100,
inclusive,

Defendants.

Case No. _____

NOTICE OF REMOVAL

In accordance with 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Pentair Water Pool and Spa, Inc. (“Pentair”), through undersigned counsel, hereby removes the above-captioned case action from the Superior Court of the State of California in and for the County of Orange, where it is currently pending, to the United States District Court for the Central District of California - Southern Division, and states as follows:

1.

Pentair is the only remaining named Defendant in a civil suit commenced in the Superior Court of the State of California in and for the County of Orange, on or about October 25, 2021, entitled “*Arteaga, et al. vs. Pentair Water Pool and Spa, Inc., et al.*,” Case No. C30-2021-

01227987-CU-PO-CJC. A copy of all process, pleadings, and orders issued in state court is attached *in globo* as Exhibit A to this Notice of Removal.

2.

Plaintiffs' Complaint for Damages seeks recovery for alleged injuries sustained by Plaintiffs Leticia Arteaga, Joseph Arteaga, Michael Arteaga, Jessica Arteaga, Michele Denise Arteaga, and Jacob Mason Arteaga from an accident that occurred on July 20, 2019, wherein decedent Al Arteaga was performing maintenance on his home's pool equipment and the pool filter allegedly exploded. (*See* State Compl., ¶¶ 18-19.) Plaintiffs bring negligence, strict products liability, and failure to warn causes of action against Pentair for Al Arteaga's death and Plaintiffs' alleged injuries resulting from the same.

4.

This Notice of Removal of this case to this Honorable Court is timely filed in accordance with Sections 1441 and 1446(b)(3) of Title 28, United States Code. When initially filed, the case was not removable because there was not diversity among the parties. On June 28, 2022, Pentair received notice that the Superior Court of California, County of Orange, entered an order dismissing the non-diverse defendant. This Notice is being filed within no more than thirty (30) days after receipt by Pentair of an order dismissing a non-diverse defendant, rendering this action removable.

5.

At the time of this filing, Pentair is the only Defendant who has been properly named and served in this matter. Accordingly, all properly joined and served Defendants consent to the instant removal, as required by 28 U.S.C. § 1446(b)(2)(A).

6.

As set forth more fully below, this Court has original subject matter jurisdiction over Plaintiffs' claims under 28 U.S.C. § 1332(a) because this is a civil action between citizens of different states in which the amount in controversy exceeds \$75,000, exclusive of interest and costs. The removing defendant has also satisfied the procedural requirements for removal. This action is therefore properly removed to this Court under 28 U.S.C. §1441 and §1446.

I. Removal is proper because complete diversity of citizenship exists between the Plaintiffs and Defendant.

7.

A civil action is removable on the basis of diversity jurisdiction if there is complete diversity between the parties and none of "the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought." *See* 28 U.S.C. § 1441(b).

8.

Plaintiffs Leticia, Joseph, Michael, and Jessica Arteaga have all reached the age of majority and are all residents and domiciled in Orange County, California. (*See* State Compl., ¶¶ 1-4.)

9.

Plaintiffs Jessica and Michele Arteaga are minors. (*See* State Compl., ¶¶ 5-6.) The domicile of a minor is determined by the domicile of the minor's parents. *See Miss. Band of Choctaw Indians v. Holyfield*, 490 U.S. 30, 48 (1989). Al Arteaga was domiciled in Orange County, California. (*See* State Compl., ¶ 18.) Jessica and Michele Arteaga are, therefore, domiciled in Orange County, California.

10.

Pentair is, and was at the time the state action was commenced, a foreign corporation incorporated in the State of Delaware with its principal place of business in the State of Minnesota.

Pentair is therefore a citizen of the states of Delaware and Minnesota for diversity purposes. *See* 28 U.S.C. § 1332(c)(1).

11.

Accordingly, complete diversity exists between Plaintiffs and the sole Defendant, Pentair, and this Court has original subject matter jurisdiction over this matter. *See* 28 U.S.C. § 1332.

II. The amount in controversy exceeds the jurisdictional threshold of this Court.

12.

Plaintiffs each separately claim \$50,000,000 in damages for “pain, suffering, and inconvenience.” (*See* State Compl., *Statement of Damages*, pp. 29-34.) Therefore, it is facially apparent that the amount in controversy exceeds \$75,000, exclusive of interest and costs. Accordingly, the amount in controversy required under 28 U.S.C. § 1441(b) and §1332(b) is satisfied and this Court has original jurisdiction over this matter. *See* 28 U.S.C. § 1332(a).

13.

The United States District Court for the Central District of California - Southern Division has original subject matter jurisdiction under 28 U.S.C. §1332 over this this case because the amount in controversy exceeds \$75,000, exclusive of interests and costs, and there is complete diversity among all properly joined and served parties. Thus, this case may be properly removed to this Court under 28 U.S.C. §1441(a).

III. Defendant has satisfied all procedural requirements for removal.

14.

The United States District Court for the Central District of California - Southern Division is the federal district encompassing Orange County, California, which is where this suit is currently pending. *See* 28 U.S.C. § 84(c)(3). This Court is the proper venue for this case, as the Central District of California - Southern Division is the “district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

15.

The filing of this Notice of Removal is timely because it was filed within thirty (30) days of Pentair’s receipt of an order dismissing a non-diverse defendant, rendering the case removable.

16.

No previous application has been made for the relief requested herein.

17.

Pursuant to 28 U.S.C. § 1446(a), Defendants attach to this Notice of Removal as Exhibit “A,” a certified copy of all process, pleadings, and orders filed in this state court action prior to removal.

18.

A copy of this Notice of Removal is being served upon Plaintiffs’ counsel and a copy is being filed with the Superior Court of California, County of Orange, State of California, in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, Defendant, Pentair Water Pool and Spa, Inc. prays that the above-captioned action pending against it in the Superior Court of California, County of Orange, State of

California, be removed from that court to the docket of the United States District Court for the Central District of California - Southern Division.

Respectfully submitted this 18th day of July, 2022.

QUARLES & BRADY LLP

By: /s/ Ankineh Zadoorian

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*Attorneys for Defendant Pentair
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 18th day of July 2022, I caused to be filed with the United States District Court for the Central District of California - Southern Division through CM/ECF the foregoing **NOTICE OF REMOVAL**, and causing service as listed to the following:

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